



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James B. Melesky

Appln. No. 10/024,478

Art Unit: 3637

Filed: 21 December 2001

Examiner: Phi A

For: INSULATION COVER FOR ATTIC
CLOSURES

Docket No.: 82/1376US
Formerly: 13811

Commissioner for Patents
Alexandria, VA 22313

Declaration of Prior Invention in the United States to Overcome Cited Patent
(37 C.F.R. §1.131)

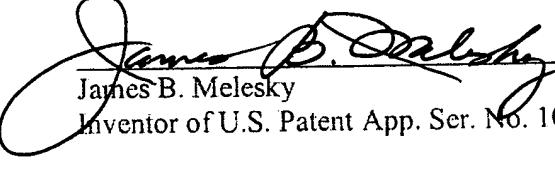
Being of legal age, I, James B. Melesky, declare and state as follows:

1. This declaration is to establish completion of the invention described in the above referenced application in the United States, at a date prior to June 1, 2001, a date prior to the effective date of United States Patent 6,578,327, cited by the Examiner.
2. On my own, in regard to an attempt to overcome various disadvantages of attic insulation, I conceived of an insulating cover for an attic access opening comprising a continuous frame and removable closure member with a depending central portion.
3. I had a prototype of this device constructed, in accordance with my instructions and designs. I hired Thomas A. Bowman, Jr. to construct the prototype device at a time prior to June 1, 2001. Mr. Bowman completed construction prior to June 1, 2001. I paid Mr. Bowman for his services in helping me construct the prototype.
4. Exhibit A hereto provides a true and accurate copy of the invoice provided by Mr. Bowman for his work on the prototype. Also included is a true and accurate copy of an invoice from the Home Depot for the purchase of raw materials used in constructing the prototype. I state that the dates redacted from these copies, but present on the original documents, are prior to June 1, 2001.
5. The prototype produced by Mr. Bowman is substantially identical to that depicted in the photographs of Exhibit B.

6. I began using the prototype device in my home prior to June 1, 2001.
7. My neighbor, a man by the name of Scott Ray Hall, saw the prototype device in the attic of my home prior to June 1, 2001. Mr. Hall has provided a declaration to this effect which is attached as Exhibit C.
8. My conception, construction, and use of the prototype device occurred in the United States of America.
9. I believe the complete prototype device was an actual reduction to practice of an embodiment of the invention of which I had conceived and claim in the instant patent application.
10. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/12/06

Date


James B. Melesky
Inventor of U.S. Patent App. Ser. No. 10/024,478